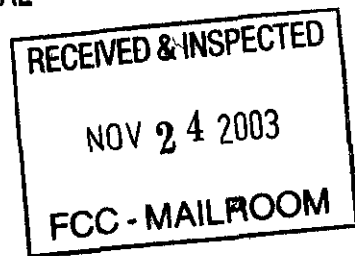


20 November 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street S.W.
Washington, D.C. 20554



Re: Resubmission of the Petition to modify the FM Table of Allotments, Section 73.202(b)

Dear Ms. Dortch:

In response to Mr. John A. Karousos, Assistant Chief, Audio Division letter of November 5th, I would like this letter to serve as my resubmission of the Petition to modify the FM Table of Allotments, Section 73.202(b).

Upon speaking with Mr. Karousos, he notified me that I had met all the requirements except the affidavit verifying that the statements contained in my request were accurate to the best of my knowledge and belief. Also I did not include my address. I am attaching the affidavit and my address can be found in this letter.

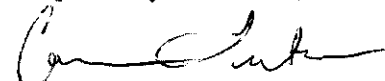
Please find enclosed one original and four copies of a request to add Channel 258A to Daytona Beach Shores, Fl. as its first local aural service. This request is supported with an attached engineering study.

If the FCC allocates Channel 258A, I plan to file for, and participate in the government auction for the Channel. I will look to receive the 25% credit for a broadcaster without any major broadcast holdings.

If the FCC would also consider a Pioneer Preference credit, I would like that credit in addition to the 25% broadcaster credit. If successful in the auction, I would be the fulltime operator of the radio station. I grew up in the area and graduated from high school and college in the Daytona Beach area.

Please distribute the original and copies to the appropriate parties. If you have any questions, contact me at: 1374 Stanfield Cove, Heathrow, Florida. My telephone number is 407-804-9639, home, and my work number is 386-615-6815. . If you have questions regarding the engineering portion of this request you may contact my engineer, Barry Magrill, directly at 904-908-0119. Thank you.

Respectfully submitted,


Carmine Tutera

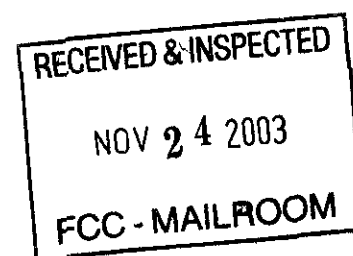
No. of Copies 04
List A/P/C/E

Fm - MB

03-453

20 November, 2003

Audio Division (MB)
c/o Office of the Secretary TW B204
Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Re: Resubmission of the Petition to modify the FM Table of Allotments, Section 73.202(b)

Dear Sirs:

In response to Mr. John A. Karousos, Assistant Chief, Audio Division letter of November 5th, I would like this letter to serve as my resubmission of the Petition to modify the FM Table of Allotments, Section 73.202(b).

Upon speaking with Mr. Karousos, he notified me that I had met all the requirements except the affidavit verifying that the statements contained in my request were accurate to the best of my knowledge and belief. Also I did not include my address. I am attaching the affidavit and my address can be found in this letter.

I respectfully request that the FCC add Channel 258A in Daytona Beach Shores, Fla. to its Table of Allotments as its first local aural service. The reference coordinates for the allocation site are: 29 degrees 15 minutes 6 seconds North Latitude,

81 degrees 2 minutes 29 seconds West Longitude.

These coordinates are based on the North American Datum 1927(NAD27). This request is supported with an attached engineering study. The study shows that the allocation point will serve the City of license in its entirety with a seventy dBu signal. It further shows that there are adequate separation distances (based on 47CFR73.207) to the allocation point with the exception of the present WGNE-FM transmitter site.

WGNE (BLH-RB1104MG) is in the process of moving. They have applied and the Commission has granted a change in its City of License. It was changed from Palatka, Fla. to Middleburg, Fla. The Middleburg allocation point is clear of the proposed Daytona Beach Shores, FL. allocation point as is the CP (BPH-20030417ABW). The CP site (in Jacksonville) will provide a city grade over Middleburg with the new antenna located on a tall tower WGNE owns.

Should this request be granted I will personally apply for Channel 258A when the window opens.

If you have any questions, contact me at 1374 Stanfield Cove Heathrow, Florida. 32746. My phone work number is 386-615-6815 and my home number is 407-804-9639. If you have any questions concerning the engineering portion of this request you may contact my engineer, Barry Magrill, directly at 904-908-0119. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Carmine Tutera", with a stylized flourish at the end.

Carmine Tutera

I Carmine Tuter, residing at 1374 Stanfield Cove, Heathrow, Florida, being duly sworn, deposes and states that the statements made in my petition, to allocated 258A to Daytona Beach Shores, Florida, are true and accurate to the best of my knowledge. I further reinstate that should the FCC authorize the allocation I will apply for 258A when the window opens.



Carmine Tuter

Subscribed and sworn before me this 20th Day of November, 2003



Notary Public

State of Florida
County of Volusia
(seal)



Eva L. Selden
My Commission DD182898
Expires April 08, 2007

BARRY MAGRILL, P.E.

6809 Medellin Court Jacksonville, FL 32210
(Tel)904-908-0119 barry@rfengineers.com

**Engineering Comments in Support of Modification of Section 73.202(b) to add
Daytona Beach Shores, FL on Channel 258A**

18 November 2003

Audio Division (MB)
c/o Office of the Secretary TW B204
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Petition to modify the FM Table of Allotments, Section 73.202(b)

Dear Sirs:

The attached engineering exhibits support the request that the FCC add Channel 258A in Daytona Beach Shores, FL, to its Table of Allotments as its first local aural service. The reference coordinates for the allocation site are:

29 degrees 15 minutes 6 seconds North Latitude,

81 degrees 2 minutes 29 seconds West Longitude.

These coordinates are based on the North American Datum 1927 (NAD27). This report includes an "area to locate" map, a table of local stations affecting the allocation and a map showing the city grade contour from the proposed allocation point. The study shows that the allocation point will serve the city of license in its entirety with a "city grade" seventy dBu signal. It further shows that there are adequate separation distances (based on 47CFR73.207) to the allocation point with the exception of the present WGNE-FM transmitter site.

WGNE (BLH-RB1104MG) is in the process of moving. They have applied, and the Commission has granted a change in its city of license. It was changed from Palatka, FL to Middleburg, FL. The Middleburg allocation point is clear of the proposed Daytona Beach Shores, FL allocation point as is the CP (BPH-20030417ABW) in downtown

Jacksonville, FL. The site in Jacksonville will provide a city grade signal over Middleburg from a tall tower WGNE owns.

If you have any questions concerning the engineering you may contact me directly at: 904.908.0119. Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Barry Magrill".

Barry Magrill, P.E.

November 18, 2003

73.207 Analysis

Barry Magrill

Job: WGNE-FM 11-5-03 Daytona Beach Shores.fmj

Master Database: 2003_Nov_05.fmd

Lat: N29:15:07 Lon: W081:02:28 NAD-83

Scale: 1:250000

Channel: 258 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Co-Channel, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 72 km, Clearance: -0.5km

Comments: No Comments

Description: Area to locate: Daytona Beach Shores, FL

rfInvestigator-FM Version 2.0.99

by rfSoftware, Inc.

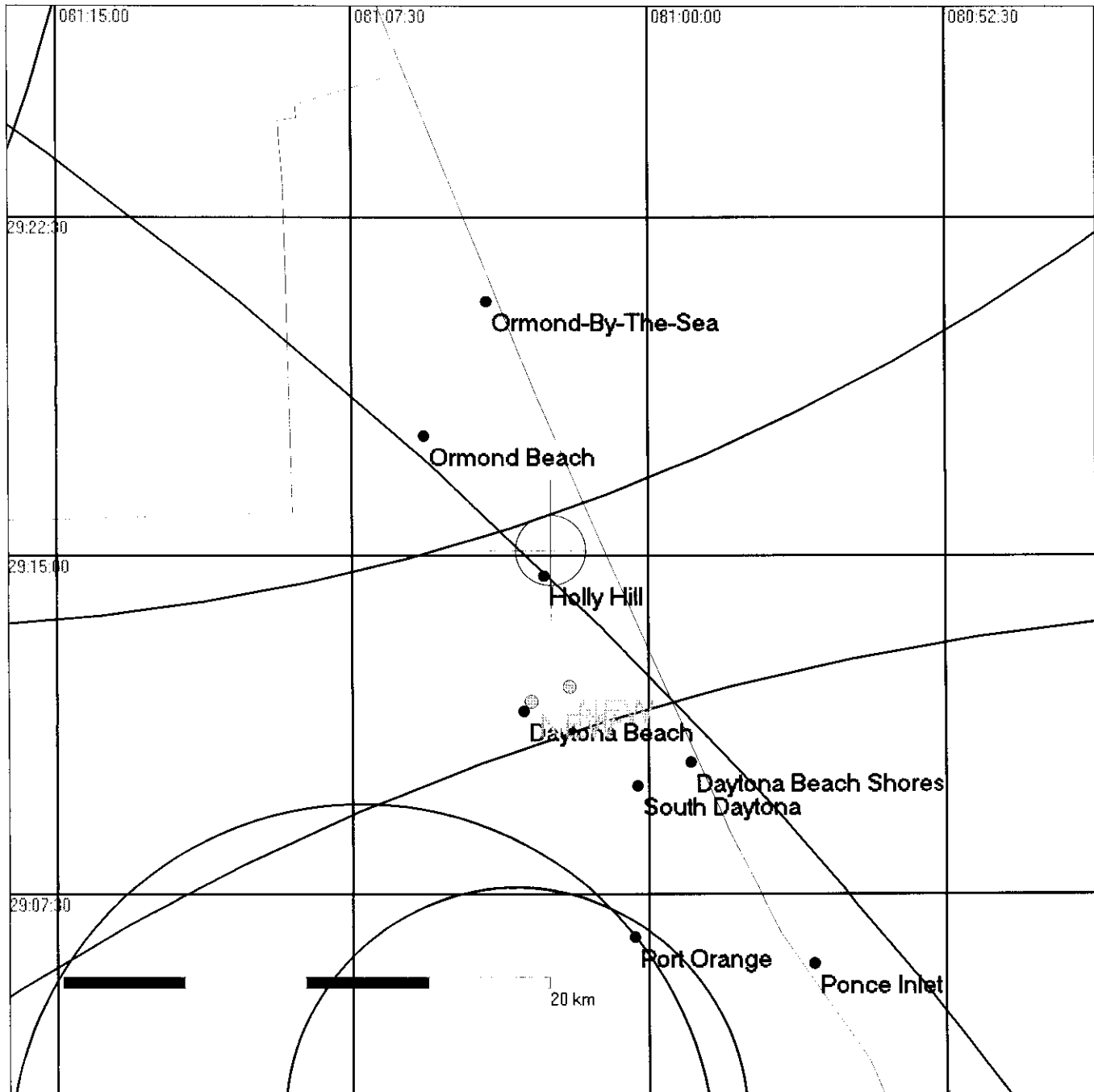
Date: 11/18/2003 4:02:04 PM

Key:

Short

Clear

Clear



Barry Magrill

Job: WGNE-FM 11-5-03 Daytona Beach Shores.fmj

Master Database: 2003_Nov_05.fmd

Lat: N29:15:07 Lon: W081:02:28 NAD-83

Channel: 258 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Co-Channel, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 72 km

Comments: No Comments

Description: Stations affecting allocation to: Daytona Beach Shores.

Page 1 of 2

Date: 11/18/2003 4:00:31 PM

rfInvestigator-FM Version 2.0.99

by rfSoftware, Inc.

Callsign	Latitude (NAD83)	Longitude (NAD83)	City	State	Service	Channel	Class	Intl Class	Status	73 207 Min Separation	73 215 Min Separation	73 207 Clearance	73 215 Clearance
*STAT:ADDN29:15:07		W081:02:28	DAYTONA BEACFL	FM	258:99.5	A			ADD	115	92	-115.00	-92.00
*WGNE-FM N29:31:09		W081:19:01	PALATKA	FL	FM	260:99.9	C		LIC	95	89	-55.07	-49.07
WQYK-FM N27:56:52		W082:27:32	ST. PETERSBU	FL	FM	258:99.5	C1		LIC	200	178	0.30	22.30
STAT:RSV N29:59:41		W081:19:38	MIDDLEBURG	FL	FM	260:99.9	C0		RSV	86	80	0.87	6.87
NEW N29:12:05		W081:02:00	DAYTONA BEACFL	FM	256:99.1	L1			APP	0	0	5.65	5.65
NEW N29:11:45		W081:02:58	DAYTONA BEACFL	FM	256:99.1	L1			APP	0	0	6.27	6.27
WLRQ-FM N28:16:43		W080:42:02	COCOA	FL	FM	257:99.3	C2		LIC	106	89	6.88	23.88
WKTO N29:01:38		W081:07:17	EDGEWATER	FL	FM	205:88.9	C2		APP	15	0	11.10	26.10
WKTO N29:02:30		W081:03:22	EDGEWATER	FL	FM	204:88.7	A		LIC	10	0	13.35	23.35
WBXY N29:44:23		W082:23:08	LA CROSSE	FL	FM	258:99.5	A		LIC	115	92	26.15	49.15
STAT:ADD N29:08:10		W082:02:32	SILVER SPRING	FL	FM	259:99.7	A		ADD	72	49	26.21	49.21
STAT:ADD N29:08:10		W082:02:32	SILVER SPRING	FL	FM	259:99.7	A		ADD	72	49	26.21	49.21
WMMO N28:34:28		W081:27:45	ORLANDO	FL	FM	255:98.9	C2		LIC	55	49	30.60	36.60
WQIK-FM N30:16:52		W081:34:11	JACKSONVILLE	FL	FM	256:99.1	C0		LIC	86	80	39.00	45.00
NEW N29:33:39		W081:16:06	PALM COAST	FL	FM	258:99.5	DX		APP	0	0	40.72	40.72
NEW N29:17:11		W081:29:36	PIERSON	FL	FM	258:99.5	DX		APP	0	0	44.11	44.11
WGNE-FM N30:19:23		W081:38:33	MIDDLEBURG	FL	FM	260:99.9	C1		CP	75	69	57.20	63.20
NEW N29:37:52		W081:35:25	PALATKA	FL	FM	258:99.5	DX		APP	0	0	67.86	67.86
WGNX N27:44:08		W080:27:26	VERO BEACH	FL	FM	259:99.7	C2		LIC	106	89	71.51	88.51

Barry Magrill

Job: WGNE-FM 11-5-03 Daytona Beach Shores.fmj

Master Database: 2003_Nov_05.fmd

Lat: N29:15:07 Lon: W081:02:28 NAD-83

Channel: 258 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Co-Channel, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 72 km

Comments: No Comments

Description: Stations affecting allocation to: Daytona Beach Shores.

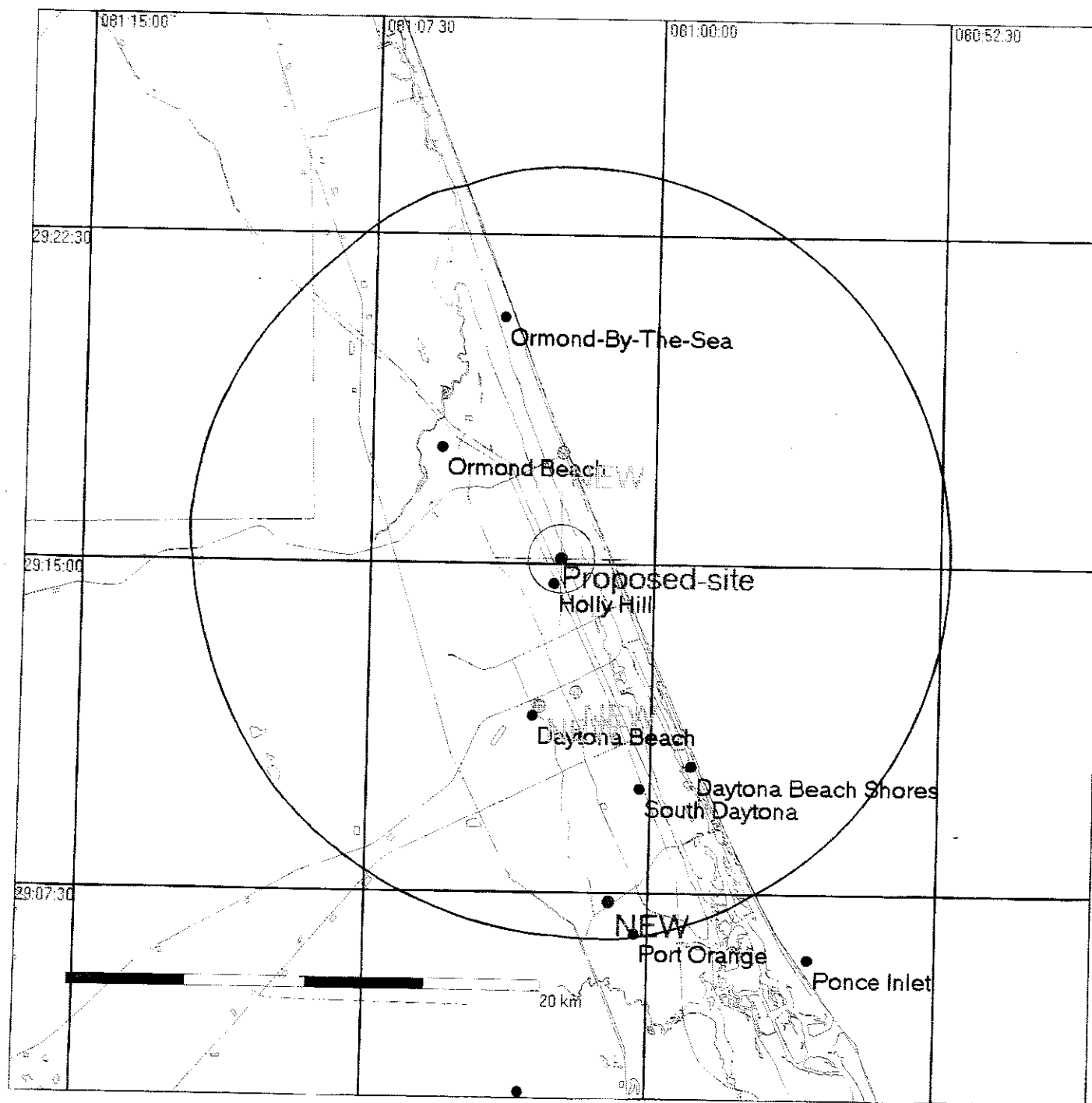
Page 2 of 2

Date: 11/18/2003 4:00:32 PM

rfInvestigator-FM Version 2.0.99

by rfSoftware, Inc.

ERP	HAAT	Adjacency	Distance	Bearing	Owner	Latitude (NAD27)	Longitude (NAD27)
0.00	0	Co-Chan	0.00	000		N29:15:06	W081:02:29
100.00	366	2nd Adj	39.93	318	RENDA BROADCASTING CORP. OF N	N29:31:08	W081:19:02
100.00	168	Co-Chan	200.30	224	INFINITY BROADCASTING CORPORA	N27:56:51	W082:27:33
0.00	0	2nd Adj	86.87	341		N29:59:40	W081:19:39
0.00	29	2nd Adj	5.65	172	BETHUNE-COOKMAN COLLEGE, INC.	N29:12:04	W081:02:01
0.00	28	2nd Adj	6.27	187	EMBRY-RIDDLE AERONAUTICAL UNIV	N29:11:44	W081:02:59
50.00	150	1st Adj	112.88	163	CAPSTAR TX LIMITED PARTNERSHIP	N28:16:42	W080:42:03
25.00	108	IF	26.10	197	MIMS COMMUNITY RADIO, INC.	N29:01:37	W081:07:18
5.00	91	IF	23.35	184	MIMS COMMUNITY RADIO, INC.	N29:02:29	W081:03:23
2.20	144	Co-Chan	141.15	293	ASTERISK COMMUNICATIONS, INC.	N29:44:22	W082:23:09
0.00	0	1st Adj	98.21	262		N29:08:09	W082:02:33
0.00	0	1st Adj	98.21	262		N29:08:09	W082:02:33
44.00	159	3rd Adj	85.60	209	COX RADIO, INC.	N28:34:27	W081:27:46
100.00	302	2nd Adj	125.00	336	CITICASTERS LICENSES, L.P.	N30:16:51	W081:34:12
0.04	0	Co-Chan	40.72	327	EDGEWATER BROADCASTING INC.	N29:33:38	W081:16:07
0.01	0	Co-Chan	44.11	275	EDGEWATER BROADCASTING INC.	N29:17:10	W081:29:37
48.00	300	2nd Adj	132.20	334	RENDA BROADCASTING CORP. OF N	N30:19:22	W081:38:34
0.04	0	Co-Chan	67.86	308	EDGEWATER BROADCASTING INC.	N29:37:51	W081:35:26
26.00	134	1st Adj	177.51	161	VERO BEACH FM RADIO PARTNERSH	N27:44:07	W080:27:27



Contour Analysis

Date: 7/31/2003 10:39:23 PM

Barry Magrill

rfInvestigator-FM Version 2.0.70
by rfSoftware, Inc.

Job: Daytona Beach Shores.fmj

Master Database: 2003_Jul_31.fmd

Lat: N29:15:07 Lon: W081:02:28 NA
D-83

Scale: 1:250000

Channel: 258 Class: A

Status: Licensed, Construction Permit,
Application, Addition, Vacant/Reserved

Channels: Co-Channel, 1st Adj, 2nd Adj,
3rd Adj, IF, TV6

Range: 93 km, Clearance: FCC

Comments: No Comments

Description: 70 dBu Contour shown
with city of license

Key:

Service
Protected
Co-Channel
1st Adj
2nd/3rd Adj

Output from NADCON for station Daytona Beach Shores

North American Datum Conversion

NAD 83 to NAD 27

NADCON Program Version 2.11

Transformation #: 1 Region: Conus

	Latitude	Longitude
NAD 27 datum values:	29 15 6.07099	81 02 28.79989
NAD 83 datum values:	29 15 7.00000	81 02 28.00000
NAD 27 - NAD 83 shift values:	-0.92901	0.79989 (secs.)
	-28.603	21.597 (meters)
Magnitude of total shift:		35.841 (meters)

□

